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PATENT
Attorney Docket 044921-5029-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William E. Munger *et al.*

Application No. 09/960,706

Filed: September 24, 2001

Art Unit: 1631

Examiner: Marjorie A. Moran

For: Identifying Drugs For and Diagnosis of Benign Prostatic Hyperplasia
Using Gene Expression Profiles

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop RCE
Randolph Building
401 Dulany Street
Alexandria, VA 22314

REQUEST FOR CONTINUED EXAMINATION (RCE)

This is a request for continued examination (RCE) under 37 C.F.R. 1.114 of U.S. Application 09/960,706 entitled Identifying Drugs For and Diagnosis of Benign Prostatic Hyperplasia Using Gene Expression Profiles.

1. Please consider and enter the attached Amendment under 37 C.F.R. 1.114.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Further to the Notice of Appeal filed on April 6, 2005, Applicants petition for a two-month extension of time from June 6, 2005 to August 6, 2005 with the filing of this request, the fee for which is **\$450.00** as set out in 37 C.F.R. 1.17(a). This request is being filed under the next business day rule on Monday, August 8, 2005 as the due date for responding fell on a Saturday (August 6, 2005). If Applicants have inadvertently overlooked the need for additional extension of time, please consider this a Petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16)

CLAIMS AS AMENDED						
	Remaining		Previous	Extra	Rate	Total Fees
Total	13	minus	54	0	\$50.00 each=	0.00
Independent	1	minus	7	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
SUB-TOTAL =						0.00
Reduction by 1/2 for filing by a small entity						
TOTAL FEE =						0.00


4. Fee Payment: The Commissioner is hereby authorized to charge **\$1,240.00** to Deposit Account No. 50-0310 for payment of the request for continued examination filing fee (\$790.00) and the two-month extension of time fee (\$450.00).
5. Please address all correspondence to:

Customer Number: 009629
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Date: **August 8, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **009629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Robert Smyth
Registration No. 50,801



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Application No. **09/960,706**

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AMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.114

Prior to continued examination of the above-referenced application, please amend the claims as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 4 of this paper.

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